IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 3852 of 1999

Between:

1. G.Ramulu S/o. Venkataramulu,
   Aged 56 years, Occ: Retd. Employee
   R/o. B.296, Phase-I, Allwyn Colony.
   Kukatpally, Hyderabad.
2. B. Narsimha Rao @ Raju S/o. B.Anantha Swamy,
   Aged 34 years, Occ Service, R/o. B-311, Allwyn Colony,
   Phase-I, Kuatpally, Hyderabad.
3. G.Rajaiah, S/o. G. Kasaiah,
   Aged 44 years, Occ Retd. Employee,
   R/o. B-689, Allwyn Colony,
   Kukatpally, Hyderabad.
4. Y. Anand S/o. Y. Narayana,
   Aged 47 years, Retd. Employee,
   R/o. C-543, Phase-I Allwyn Colony.
   Kuatpally, Hyderabad.
5. M.Vargesh S/o. Abraham,
   Aged 7 years, R/o. B-307, Phase-I,
   Allwyn Colony, Kukatpally,
   Hyderabad.
6. T.Ramanuja Chary S/o. T. Buchaiah,
   Aged 49 years, Occ: Retd. Employee,
   R/o. B. 942, Phase-I Allwyn Colony,
   Kukatpally, Hyderabad.

.....PETITIONERS

AND

1. Syed Jaffer S/o not known to petitioners,
   Presiding Officer, Deenadayal Welfare
   Association, R/o. H.No. 45/B, Czech Colony,

Sanathnagar, Hydeabad

2. T. Mysaiah S/o. Balanarsaiah,
Aged 55 years, Occ: Retd. Employee,
R/o A-214, S.No. 316, Phase-I,
Allwyn Colony, Balanagar, Hyderabad.

3. The First Addl. District Judge,
Rangareddy District at Saroornagar,
Hyderabad.

This petition is dismissed for default against R1
As per the Court order dated 21.2.2003.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari by calling for the records of the Respondent No.3 in O.P.No. 1068 of 1997 and the same may be quashed or set aside as illegal and unsustainable under law and to set aside the nomination of Respondent No.2 to the post of Secretary of the Deenadayal Welfare Association at Allwyn Colony Phase-I, Kuatpally, Balanagar Mandal, Rangareddy District in the interest of justice and pass such other orders.

Counsel for the Petitioners: MR.K.K.WAGHRAY(not present)

Counsel for the Respondent No:1: Dismissed for default against R1

as per C.T

Counsel for the Respondent No.2: MR.SREENATH KONDAPALLY

Counsel for the Respondent NO.3: G.P. for Home

The Court made the following:

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O R D E R:

The petitioners who are the members of the Deenadayal Welfare Association at Allwyn Colony, Phase-I, Kukatpally, Balanagar Mandal, Rangareddy District, (for short 'the Association') obtained a Rule of this Court calling upon the respondents to show cause why a Writ in the nature of Certiorari shall not be issued under Article 226 of the Constitution of India, calling for the records in O.P.No.1068 of 1997 from the 3rd respondent and to set aside the same accepting the nomination of the 2nd respondent to the post of Secretary of the Association pursuant to the Election Notification issued on 19-10-1997 by the 1st respondent, which was unsuccessfully challenged in O.P.No.1068 of 1997 contending that the 2nd respondent is not eligible to file nomination as he is not the member of the society and his nomination was illegally accepted.

None appears for the petitioners.

The Tribunal on appreciation of the oral and documentary evidence concluded that the voters' list clearly shows that the 2nd respondent is a recognized voter and no objection was taken for inclusion of his name in the voters' list and particularly, the records do not disclose that before the withdrawal and the scrutiny of the nomination, the petitioners filed any objection questioning the nomination of the 2nd respondent and in view of the same, there are no merits and accordingly, the O.P.1068 of 1997 is dismissed. However, the elections conducted to the Society for a period of two years, which is already expired. Therefore, no cause survives in the writ petition.

The Writ Petition is accordingly dismissed. No costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The First Additional District Judge,
   Rangareddy District at Saroornagar,
   Hyderabad.

2. 2 C.Cs to the G.P. for Home, High Court Buildings, Hyderabad (O.U.T.)

3. Two CD Copies.

Bud/ys

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 3852 of 1999

16-06-2004